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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,674	02/19/2002	Maurizio Pilu	30012964-2	8655

7590 08/30/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,674

Applicant(s)

PILU, MAURIZIO

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Peppel (USPN 6,200,216).

Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67 and col. 9:15-35, discloses a system for displaying a user's personal digital photographic images, the system comprising a combination of a gaming console for playing a video game; the gaming console including a communicators means for connecting the gaming console to a wide area network; a domestic visual display unit for displaying at least one digitized photographic image data to a user of a gaming console, and a permanent data store connected to the wide area network, the permanent data store storing the user's digitized photographic image data. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67 and col. 9:15-35, discloses transmission means for transmitting part or all of the user's digitized photographic image data to the gaming console, a portable digital data store including a viewing application program, the viewing application program comprising a communications program for receiving the user's digitized photographic image data from the permanent data store via the communications means and the wide area network, the viewing application program being

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arranged to configure the gaming console to display the digitized photographic image data on the domestic visual display unit when the user's digitized photographic image data has been received by the gaming console. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, and col. 10:1-67, discloses the domestic visual display unit comprises a television. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, and col. 10:1-67, discloses the viewing application program is arranged to enable multiple images of the digitized photographic image data to be displayed to the user simultaneously and a gaming controller of the gaming console is arranged to enable the user to navigate though the multiple images, the multiple images are in the form of thumbnail images, and the viewing application program comprises a plurality of user-selectable digital effects algorithms for altering the presentation of the user's digitized photographic image data on the domestic visual display unit. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, and col. 10:1-67, discloses the portable digital data store comprises a plurality of user-selectable viewing application programs, each program providing a different algorithm for displaying the user's digitized photographic image data in a different way on the domestic visual display unit, each program is arranged to provide a different photo enhancement of the user's digitized photographic image data, the communications program is arranged to transmit a user selection command to a remote party, and the gaming console comprises means for receiving and digitizing a user's voice into voice data and the communications program is arranged to transmit the voice data over the wide area network to a remote party. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses the communications

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program is arranged to implement compression of data to be transmitted and decompression of data received via the communications means, the communications program comprises an applet for enabling two-way communications between the gaming console and the remote party, the applet is arranged to password protect access to part or all of the data to be transmitted by the communication means with the user inputting a password associated with the data to be transmitted, and the received data is password protected and the applet is arranged to enable access to part or all of the received data once the user has input a correct password associated with the received data. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses a further gaming console for playing a video game, the further gaming console including a communications means for connecting the further gaming console to the wide area network; a domestic visual display unit for displaying the video game to a remote party when connected with the console; and a portable digital data store including a viewing application program. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses the further viewing application program comprising a further communications program for receiving the user's digitized photographic image data from the permanent data store via the further communications means and the wide area network, the further viewing application program being arranged to configure the further gaming console to display the user's digitized photographic image data on the further domestic display when the user's digitized photographic image data as been received by the further gaming console. . Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses the further gaming console comprises

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means for receiving and digitizing a third party voice into voice data and the further communications program is arranged to transmit the voice data over the wide area network to the user, the further communications program is arranged to implement compression of data to be transmitted and decompression of data received via the further communications means. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses the further communications program comprises an applet for enabling two-way communication between the further gaming console of the third party and the gaming console of the user, and the received data is password protected and the applet is arranged to enable access to part or all of the received data once the third party has input a correct password associated with the received data. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses, wherein the digitised photographic image data is communicated to the remote gaming console via a compact disk (CD) and wherein the digitised photographic image data is communicated to the remote gaming console via the wide area network. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses a method for viewing pre-captured photographic images with video gaming consoles, comprising: displaying at least one pre-captured photographic image on a local display using a local video gaming console in accordance with instructions from a user of the local video gaming console, and displaying the pre-captured photographic image on a remote display using a remote local video gaming console in accordance with instructions from the user of the local video gaming console. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67,

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discloses displaying a second pre-captured photographic image on the local display using the local video gaming console in accordance with navigating instructions from the user of the local video gaming console, and displaying the second pre-captured photographic image on the remote display using the remote local video gaming console in accordance with the navigating instructions from the user of the local video gaming console. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses navigating between the pre-captured photographic image and the second pre-captured photographic image in accordance with the navigating instructions from the user of the local video gaming console and displaying the navigated to pre-captured photographic image on the remote display in accordance with the navigating instructions. . Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses displaying a plurality of thumbnail images on the local display using the local video gaming console in accordance with the instructions from the user of the local video gaming console, the plurality of thumbnail images corresponding to a plurality of pre-captured photographic images, and displaying the plurality of thumbnail images on the remote display using the remote local video gaming console in accordance with the instructions from the user of the local video gaming console. . Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses receiving a selection instruction from the user of the local video gaming console selecting one the plurality of thumbnail images on the local display; displaying a corresponding pre-captured photographic image; and displaying the corresponding pre-captured photographic image on the remote display in accordance with the selection instruction. . Peppel, in FIGS. 1-12,

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col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses wherein the displaying on the local display further comprises displaying on a television and receiving information corresponding to a user's voice, digitising the received user's voice information into voice data; and transmitting the voice data to the remote local video gaming console. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses wherein the program further comprises logic configured to perform displaying a pointer on the local display using the local video gaming console in accordance with the instructions from the user of the local video gaming console, and transmitting information such that a corresponding pointer is displayed on the remote display, wherein position of the pointer and position of the corresponding pointer correspond to each other in accordance with the instructions from the user of the local video gaming console. Peppel, in FIGS. 1-12, col. 3:33-67, col. 4:45-67, col. 5:1-67, col. 7:1-60, col. 8:1-67, col. 9:15-35, col. 10:1-67, col. 11:1-67 and col. 12:22-67, discloses wherein the program further comprises logic configured to perform: displaying a plurality of pre-captured photographic images on the local display using the local video gaming console in accordance with instructions from the user of the local video gaming console; navigating between the pre-captured photographic image and the second pre-captured photographic image in accordance with navigating instructions from the user of the local video gaming console; and communicating the navigating instructions to the remote console such that the plurality of pre-captured photographic images are displayed on the remote display in accordance with the navigating instructions.

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Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM
August 25, 2004



JOHN M. HOTALING, II
PRIMARY EXAMINER